

**IN UNITED STATES DISTRICT COURT
FOR MIDDLE DISTRICT OF TENNESSEE**

CHERYL PHIPPS, BOBBI MILLNER,)	
and SHAWN GIBBONS,)	CLASS ACTION
)	
<i>Plaintiffs,</i>)	CIVIL ACTION
)	
v.)	CASE NO. 3:12-cv-1009
)	
WAL-MART STORES, INC.,)	JUDGE LAWSON
)	
<i>Defendant.</i>)	MAGISTRATE JUDGE FRENSELY
)	

PLAINTIFFS' MOTION TO COMPEL

Pursuant to Federal Rule of Civil Procedure 26 and 37, Plaintiffs hereby move this Court for an order compelling Defendant Wal-Mart Stores, Inc. to provide full and complete production of documents in response to Plaintiffs' First Set of Requests for Production of Documents. Plaintiffs state the following:

1. Plaintiffs sent Wal-Mart their First Set of Requests for Production of Documents on November 22, 2016, and they were deemed served effective January 24, 2017.
2. Wal-Mart served its Objections and Responses on February 23, 2017, in which Wal-Mart objected to all of the document requests, and refused to state that it would provide responsive documents for most of the document requests.
3. Over the past four months, Plaintiffs have attempted in good faith to resolve this dispute without involving the Court.
4. In compliance with Local Rule 37.01(b)(3), counsel for Plaintiffs certify that they conferred with counsel for Wal-Mart through a number of letters and at least three telephone calls, in a good faith effort to resolve and narrow the issues. The parties also had a conference

call with the Honorable Chip Frensley on May 25, 2017, to seek his assistance in resolving the disputes. The parties had one additional conference call following the May 25 call with Magistrate Judge Frensley.

5. However, Wal-Mart remains adamant in its refusal to produce documents responsive to Plaintiffs' Requests for Production Nos. 5, 6, 10, 11, 16, 17, 18, 26, 28, 35, 38, 40 and 41. These documents are relevant to Plaintiffs' claims and readily accessible to Wal-Mart.

6. For the reasons set forth in the accompanying Memorandum, Plaintiffs respectfully request that the Motion to Compel be granted.

7. Plaintiffs also respectfully request that this Court order Wal-Mart to pay Plaintiffs' expenses, including attorneys' fees, incurred in preparing this motion, which was necessitated by Wal-Mart's refusal to comply with its discovery obligations.

8. The parties were unable to reach agreement on a Joint Written Statement.

WHEREFORE, Plaintiffs respectfully request that this Court grant their Motion to Compel and enter the attached proposed Order compelling Wal-Mart to produce documents responsive to Plaintiffs' First Set of Requests for Production of Documents and ordering Wal-Mart to pay reasonable costs, including attorneys' fees, incurred by Plaintiffs in filing and pursuing this Motion.

Dated: June 12, 2017

Respectfully Submitted,

/s/Christine E. Webber

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was filed and served upon the following via the Court's ECF system on this the 12th day of June, 2017:

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